IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3070 OF 2004

Mr.Satyendra Kumar Singh. ... Petitioner
v/s.
The LIC of India & anr. ... Respondents

Mr.K.K.Tripathi with Mr.D.R.Mishra for petitioner.

Mr.V.Y.Sanglikar for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 27TH JANUARY 2005

P.C. :

1. Heard Mr.Mishra for the petitioner. Mr.Sanglikar appears for the respondents.

2. This petition is filed being aggrieved by the denial of the insurance claim by the 1st respondent-Life Insurance Corporation of India. The submission of the respondents is that the insured person was suffering from chronic Hepatitis-B in 1997 which he did not disclose in the proposal when it was made on 9th October 1998. The insured person died on 24th April 2001. Various avenues, which are available for ventilating the grievances, were exhausted

including that of the Insurance Ombudsman and thereafter the present petition has been filed.

3. In a reply filed by the Administrative Officer of the 1st respondent-LIC, it has been pointed out that the insured person was taking treatment in various hospitals and particulars are given. Mr.Mishra appearing for the petitioner disputes all these aspects. Prima facie, the disputed questions arise and it is not possible for us to take a view on the facts contrary to the authorities which have applied their mind. That is also a view taken by the apex Court in the case of **Life Insurance Corporation of India & ors. vs. Smt.Asha Goel & anr.** reported in **AIR 2001 SC 549**. If the petitioner is aggrieved, a proper course for him is to approach under the Consumer Protection Act, if he so deems fit. It is not possible for us to interfere in exercise of writ jurisdiction. Petition is rejected.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)